Managing Wicked Policy Problems: A Case for Deliberative Practices

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This thesis is referenced accordingly and is a presentation of my own research for the purpose of attaining Bachelor of Arts with Honours in Politics and International Studies at Murdoch University.

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Declaration:

I delare that this thesis is my own research and contains as its main content work that has not previously been submitted for a degree at any other tertiary educational institution.

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Demanding policy issues require responses that are both effective and legitimate. Wicked problems are examples of such demanding issues. In contrast to *tame* policy issues, *wicked* problems can be distinguished when levels of uncertainty, value divergence, and complexity reach high levels. Examples of wicked problems include issues such as climate change, illicit drug use, and indigenous disadvantage. This thesis puts forward the case for using deliberative democratic practices (in conjunction with typical policy development methods) when working with wicked problems.

Deliberative democracy aims to promote greater legitimacy in decisions as a result of public consultation. Deliberative democracy can create better outcomes as a result of rigorous engagement and deliberation over a topic, and more inclusion in the political process for those groups who have typically found themselves alienated from politics. Such aims and principles lend themselves to good policy development.

Typical policy development methods may not be sufficiently flexible to devise effective and long lasting solutions to wicked problems. By using deliberative practices in conjunction with typical policy development methods, the policy process becomes more flexible and adaptive to work with the ever-changing nature of a wicked problem. The principles and aims of deliberative democracy can make wicked problems appear more manageable by creating legitimacy in decisions as a result of public consultation, bridge the gap between different parties' value divergence, and possibly even change the mind of participants in the deliberation by invoking thought and reason.

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Introduction

Policy development has experienced a number of radical changes throughout its history. Beginning, arguably, with the development of the method of 'try and test' from John Dewey (Radin 1997, 210), all the way to the introduction of statistical analysis during the behavioural revolution where political scientists struggled to come to terms with the recent uprising of quantitive methods of analysis (Heinemen 1979, 17). The above example displays the gradual evolution of policy development, and arguably, the nature of policy problems that now face governments may require further evolution of policy analysis. Typically, portfolio arrangements created by governments allow for policy areas to be divided up and categorised according to which department is best suited to work with the specific policy area. However, many policy problems today are far too broad and encompassing for this traditional method of development to work as effectively as it once did. There exist policy issues that include multiple departments, multiple stakeholders, and a vast amount of complexity that require a more adaptive method to explore possible solutions to these problems. These policy issues that encompass multiple different areas have been labeled wicked problems, and are casing significant trouble in good policy development.

When exploring wicked problems and surrounding issues a deliberative democratic turn could be used to create help potentially create better outcomes for parties involved in policy development. Outcomes could be

considered better for multiple reasons; firstly, decisions can appear more legitimate when those who are affected by the outcome have actually participated in the process, secondly, outcomes may be better thought out due to the intense engagement that is needed to deliberate, and thirdly, a far wider perspective on the policy could be gained through the inclusion of the greater public to possibly change the minds of even the most stalwart participants.

To properly discuss this proposition the first chapter will discuss wicked problems by exploring the various elements that turn a *tame* policy issue into a *wicked* problem. This will consist of an analysis of the appropriate literature, and to further highlight the nature of a wicked problem, contemporary examples of policy challenges experienced at both the national and international level will be provided to portray each element of a wicked problem. The second chapter will provide a theoretical basis of deliberative democracy. This will consist of the appropriate model and principles that I argue lend themselves to working with wicked problems. In particular, this chapter will explore the principles of reciprocity to strengthen engagement, where legitimacy stems from in a deliberative democracy, and how deliberative democracy can unite society by including segments of society that have typically found themselves alienated from the political process. The third (and final chapter) will discuss how the model of deliberative democracy outlined in the second chapter may create potentially better outcomes to wicked problems. The benefits of using such deliberative practices include the ability to bridge typically divided sectors of the community, decisions may appear more legitimate as those who are affected have participated in the

process, and the engagement of deliberation may change the minds of typically stalwart individuals.

The Elements of a Wicked Problem – Contemporary Examples

The idea of a wicked problem does not stem from public policy. Rather, it was a concept introduced into the field of urban planning (Head 2008, 101). The term was derived to label problems that proved particularly difficult to deal with. Indeed, the label wicked does not denote some sort of evilness to the problem (APSC 2007, 3), but rather used in the sense that solutions to the problem are not so readily available. Broadly, wicked problems tend to include a trifecta of problematic elements, namely: uncertainty, value divergence, and complexity (Head 2008, 104). To properly illustrate the nature of a wicked each of these elements will be explored separately in the first chapter.

To highlight the essence of each of the three elements the first chapter will discuss how they relate to contemporary Australian and international issues that frequently invoke debate among the wider public. The policy issue of climate change will be used to highlight uncertainty, illicit drug use will be used to detail value divergence, and indigenous disadvantage will be used to discuss complexity. While each of these issues is an example of wicked policy in itself, they will be used for the sole purpose of discussing each facet of a wicked problem.

The policy problem of climate change has created a sense of uncertainty among citizens and the administration. Whilst there remains little doubt that climate change is being caused by greenhouse gas emissions (each level of Australian government has adopted the view of the wider scientific community that most of the warming over the last fifty years is man made (IPPC 2001, para. 3)), there remains huge uncertainty in both how to lower greenhouse gas emissions, and just what the effects of climate change could be. This uncertainty has led to what has been described as chaos in Canberra (Scott, 2011) over how best to lower carbon emissions. Furthermore, the recent media attention on the carbon tax seems to have simply polarised the debate between the two major parties (Kenny 2011, para. 16), with citizens entrenching themselves in the view of whichever party they have typically voted for. As a result, this has created mere skin-deep analysis of the real issues at hand, with no real focus or engagement occurring on an issue that has put clouds of uncertainty over the continued viability of our planet.

Illicit drug use highlights a clear divergence of values between the population. There remains doubt over the best course of action to take, that is, whether or not drugs are outlawed completely showing their illegality and wrongfulness, or whether use should be decriminalised by allowing users to inject themselves in safe rooms and under supervision to minimise harm. The Western Australian State Government only recently released new laws relating to the possession of cannabis (Jones, 2011), that appear to put strong criminal penalties against the use and possession of cannabis. As a result, many citizens have voiced there concerns about the harshness of the new

laws, with many arguing that the government should put more focus on drug education (Donaldson, 2011). Here, there is a value divergence in the approach used to develop policy as well, as it makes a large difference as to whether policy deliberations are framed in a medical or legal discourse (Fischer 2003, 43). The laws (and development) have created a clear value divergence among the community, and there has been little engagement between government and citizens on the issue.

Indigenous disadvantage is a clear example of just how complex policy issues can become. The nature of the problem presents a myriad of issues (including health and welfare) that spreads across multiple departments. Cross-departmental communication can be hazardous due to the top-down chain of accountability that has been created by the Westminster style of government that has led to governmental departments and agencies being described as 'vertical silos' (MAC 2004, 50). This has led to a style of policy development where information on an issue is shared only within one department, even if the particular issue encompasses many. To highlight this point, in 2007 John Howard mentioned to the then indigenous affairs minister Mal Brough that he was thinking about 'cutting off the grog to the Northern Territory' (Johns 2008, 70). It was up to Brough and his senior officers to develop a policy on how to alleviate the problems experiences by indigenous Australians in remote communities. By the next Thursday cabinet meeting the Northern Territory intervention package was born (Johns 2008, 70). Such a response did not have the necessary time, communication, or engagement that effective policy development needs. Complex issues, such as indigenous affairs,

present an opportunity where those who are actually affected by a policy outcome (such as Indigenous Australians) can actually be a party to policy development so that real stories and perspectives can be gained on a highly complex issue.

A Theoretical Basis for Deliberative Democracy

Deliberative democracy is a concept that aims to empower all citizens in a decision making process. Rather than allowing policy or law to be decided by bargaining between competing interests (Parkinson 2003, 180), deliberative democracy aims to engage the participants so that nothing but the weight of the better argument is left to decide the outcome (Habermas 1975, 108). There are three elements of deliberative democracy that may lend themselves to potentially better outcomes when dealing with wicked problems. These are engagement, difference, and legitimacy.

The idea of reciprocity is comprised of two different streams: procedural and substantive reciprocity. Engaging with a discussion is an essential element of deliberative democracy, and this cannot be achieved without reciprocity and effective communication. Briefly, if participants to deliberative democracy are to be reciprocal; they must listen and accept other participant's arguments, even if they are contrary to their own (Held 2006, 233), and accept also accept that if an outcome is reached that is contrary to their argument, the legitimacy stands as they have agreed to the procedure that was used to reach it. If participants uphold the idea of reciprocity then true engagement with the issue

will be achieved. Deliberation will become involved, and the issue will be discussed with an open mind that is agreeable to consensus. The second chapter will discuss the importance of both these principles in a foundation of deliberative democracy.

Deliberative democracy aims to draw upon the vast knowledge that is available among the wide standing population. While difference has often been considered a barrier to democracy, deliberative democracy considers difference as paramount to gaining a better understanding of an issue. By drawing on the personal experiences of citizens who are truly affected by a problem through the use of story telling and rhetoric, one can gain new perspective on the issue and understand it in ways that they may never have considered themselves. In particular, the works of Young provide useful insight into how the narrative techniques of story telling and greeting can complement arguments in a deliberative democracy, as they tend to be more egalitarian than typical deliberative processes (Young 1996, 132).

Legitimacy remains one of the most important elements of a democratic theory. Deliberative democracy draws its legitimacy from the citizenry themselves. Outcomes are considered legitimate to the extent that those who want to deliberate on an issue are given the opportunity to (Dryzek 2001, 651). Arguably, this gives deliberative democracy a stronger claim in being more legitimate when compared to a representative democracy, as quite often the views of the electorate on any issue will differ from their elected representative, and as it is a representative democracy their voice is silenced

somewhat until the next election (d'Entreves 2002, 45). Also, the final outcome of deliberation is not set in stone. If new information arises or if there remains discontent over an outcome, there is no reason why an issue cannot be deliberated again. The use of deliberative democracy makes decisions appear more legitimate, as the people themselves have deliberated on the issues that affect them, rather than a set of elected representatives.

The Case for Deliberative Democracy to work with Wicked Problems

The principles of deliberative democracy lend themselves to potentially better outcomes when working with wicked problems. The very nature of a wicked problem is that it is complex, contains elements of uncertainty, and will have multiple stakeholders that will undoubtedly differ in their values. By proposing that deliberative practices could be used when working with wicked problems, I do not suggest that the right outcome will always be achieved. I use the term right in the sense of a clear distinction between a right and wrong policy outcome. The literature suggests that there is never a right or wrong outcome when dealing with wicked problems; rather solutions should be viewed as 'better, worse, or good enough' (APSC 2007, 4). I believe that by using deliberative democracy when working with wicked problems, the outcomes could be considered better for multiple reasons.

Firstly, decisions may appear more legitimate in the eyes of the people as they have had their voices and opinions heard on the matter. The final outcome will be a result of a collective deliberation where stakeholders have engaged

with the issue to reach a reasoned conclusion. The process of Australian politics can often disillusion citizens, as often the community is not consulted regarding issues that affect their interests. By consulting with the community in a deliberative manner this can build stronger legitimacy claims to an outcome that is reached due to the community strengthening aspects of deliberative practices, whilst complementing the typical policy process by educating various parties about aspects of the issue they may not have previously considered.

Secondly, the process allows for a wide and diverse range of people to put forward their own views and opinions on a topic, and more importantly, their own stories on how the issue has affected them. This helps to bridge the gap between divided viewpoints, allowing parties who are typically opposed to each (due to value divergence, race, ethnicity etc.) to deliberate contentious issues responsibly (with no resort to violence) to the point of reaching sound outcomes. Some wicked problems, such as illicit drug use, encompass views on morality and what it is to be moral. This can be a contentious and hostile issue, as with many moral issues, however, in the appropriate deliberative setting deliberation can bridge the gap between these parties.

Finally, the engagement with an issue that participants to deliberative democracy create when debating an issue can develop a far better understanding on the issue and provide better thought out outcomes to the policy problem. This could potentially lead parties involved in the deliberation to change their mind about how they see the issue, and what they

believe to the appropriate way forward. As with many policy issues, when a party does not engage with other viewpoints on the issue, they can often just become more entrenched within their own. This can be counter-productive to good policy development, as the debate will simply be polarised between the two viewpoints with no real progress being made towards an outcome. Deliberative practices help to alleviate this issue by making participants think and dwell on points raised by other members that they themselves may not have previously considered.

Again, the aim of this discussion is not to argue that deliberative democracy replace Australia's current system of governance and policy development. Rather, it can complement it when working with wicked problems. The aims and practices of deliberative democracy can make the very elements that turn a policy issue into a wicked problem appear more manageable. Issues can appear less complex after much deliberation on the topic, and even if there remains uncertainty surrounding the potential consequences of a policy direction, the decision will remain legitimate as it was a result of consensus from deliberation. Again, to further strengthen the legitimacy of the outcome, the divergence of values between parties can be bridged by the practices of deliberation. These advantages from the use of deliberative practices all lead to good policy development, and is why I argue that deliberation, when used with current policy development methods, can lead to better policy outcomes.

Chapter One – The Nature of a Wicked Problem

This chapter will outline the nature of a wicked problem, and what turns a *tame* policy issue into a *wicked* problem. Rittel and Webber (1973) have identified seven distinguishing features of a wicked problem that separate it from any other policy issue:

1. There is no definitive formulation of a wicked problem
2. Wicked problems have no definitive solution
3. Solutions to wicked problems are viewed as good or bad, rather than true or false
4. There is no immediate and no ultimate test of a solution for a wicked problem
5. Every wicked problem is essentially unique
6. Every wicked problem can be considered a symptom of another problem
7. The existence of a discrepancy representing a wicked problem can be explained in numerous ways

In addition to this, Head has argued that these features can be broken down into three broader elements; uncertainty, value divergence, and complexity

(Head 2008, 103). When a policy issue encompasses high levels of each of these elements, it then moves into the realm of wickedness.

To fully discuss the nature of a wicked problem I will explore each element separately to properly illustrate the dimensions of uncertainty, value divergence, and complexity. This will be done by providing contemporary policy challenges that encompass the particular element. The element of uncertainty will be discussed in relation to climate change policy. Climate change policy best exemplifies the element of uncertainty due to the high levels of doubt surrounding the economic, social, and scientific knowledge that is currently available. The challenge of value divergence will be discussed in relation to illicit drug use. Illicit drug use remains a contentious issue in society, with opinions divided over the best course of action between a decriminalised harm minimisation scheme, or to outlaw drugs completely due to their immoral nature. Finally, complexity will be discussed in relation to Indigenous disadvantage. Indigenous disadvantage remains a constant issue where no solution is readily available. The policy dilemma encompasses multiple governmental departments, and historically, the treatment of Indigenous Australians has been poor.

The Element of Uncertainty in a Wicked Problem

Uncertainty itself is a difficult element to explore as it cannot be considered an entity in itself, but rather it is a description of the unknown dimensions involved when contemplating the outcome of a possible course of action

(Harte 2001, 176). Indeed, uncertainty plays on the mind of policy developers as policy itself is judged on its effectiveness in the real world, and as quite often policy makers are accountable to the public at large, they want to be sure that the final outcome of the decision is successful. The desired successful outcome becomes more and more difficult to determine when the breadth of the problem become wider, because as the as the problem itself grows the uncertainty surrounding it grows with it (Heazle 2010, 33). The driving force behind such uncertainty is our perception, we think we know what will happen if go through with action X, but we can never be entirely sure:

> The state of uncertainty is fundamentally a human quality because it refers to how we associate our perceptions of the world with our expectations of how we find the world to be. In the absence of perception, there is no uncertainty. When our perceptions suggest that only one outcome is possible, there is no uncertainty and we are sure. (Pielke 2007, 23)

When developing policy it is the risk itself of creating a failed policy that drives the uncertainty. This is why, in terms of risk perception, that it is never possible to have risk without uncertainty, as uncertainty is a prerequisite of risk (Heazle 2010, 36).

Risk can be classified within a system in order to manage it more effectively. In this system uncertainty can be classified as either open or closed (Heazle 2010, 33). Within a closed system the uncertainty itself has boundaries, that is, we know the exact number of possible outcomes due to the framing of the uncertainty. For example, a game of chance such as heads or tails is classified as a closed system of uncertainty. This system is much more manageable as

gaps in our knowledge can be filled through research and experimentation. The uncertainty is such that although we can prepare for likely outcomes based on statistical analysis, we can never be entirely sure what the outcome will actually be (Heazle 2010, 34).

In contrast to the closed system, there exists the open system of uncertainty that is of more concern to policy developers. In an open system of uncertainty policy developers are not only uncertain about what they know, but also uncertain about what they do not know. In effect, they are uncertain about the uncertainty itself (Heazle 2010, 34). The range of possible outcomes within an open system of uncertainty is not quantifiable, and policy developers will often vary in opinion when determining how best to approach the policy problem. When working in an open system of uncertainty policy developers must make sure that they do not fall into the trap of ignorance. There needs to be recognition that what is not known is not known (Wynne 1992, 113). Ignorance increases when the degree of action or commitment based on what we think we know increases (Wynne 1992, 113). By falling into the trap of ignorance policy developers will potentially create insecure policy that may lead to undesired outcomes.

A clear example of a highly open system of uncertainty is climate change. Due to the high complexity of global weather systems, any predictions that are made need to be painted out as highly speculative scenarios (Heazle 2010, 34). Policy developers play a highly dangerous game when any potential scenario put forward on climate change is treated as fact (Heazle 2010, 34).

There needs to be clear distinction drawn between the two, otherwise policy developers will simply fall into the trap of ignorance.

Uncertainty in Context – Climate Change in Australia and Globally

The issue of climate change can be is of such uncertainty that it can be classified within an open system of uncertainty. The open uncertainty of climate change can be broken down into three different forms of uncertainty; scientific, social, and economic (Johnson et al 2001, 43). This section will explore how each of these areas of uncertainty is currently affecting Australia in developing a policy response to climate change.

- *Scientific Uncertainty*

There appears to be fairly solid consensus that the increase in greenhouse gas emissions over the last fifty years has altered the climate (IPCC 2001, para 5.), however, due to the complexity of global weather systems it is still incredibly difficult to establish any clear future climate trend (Heazle 2010, 34). In effect, scientists cannot predict the weather.

That is not to say that we nothing about climate change, but rather, for all that we think we know, we are uncertain. Large-scale global mapping systems have been established to observe and track any changes in important variables such as surface air temperate, the atmosphere, and sea levels (Berliner 2003, 431). However, there are various interactions between the climatic sub-

systems that are simply too complex to even try to track (variables between the ocean, the atmosphere, ice, and land processes)(Berliner 2003, 431). Ultimately, any climate model created is just that, a model. The models created are inexact and include a variety of uncertain quantities and parametres (Berliner 2003, 431). Policy developers walk a dangerous line when these models are treated as fact, in effect; they are falling into the ignorance trap of uncertainty.

There remains no means to observe and track previous data on the issue as the Earth stands alone on climate change (that we know of). It is a unique planet within the universe, and as a result we have no collection of similar planets to which we can observe, assign treatments, and compare responses (Berliner 2003, 431). As a result of the Earth's uniqueness there have also been calls that perhaps the warming we are experiencing is simply an example of the climate variability that occurs in the Earth's climate (Latif 2011, 1). Whilst the climate variability theory does not have huge support among the scientific community, it does reflect the need for more improved understanding and research into the Earth's climate systems so that more solid models can be created to instill some certainty in the scientific community (Latif 2011, 6).

- *Social Uncertainty*

The issue of climate change is one that deeply divides the community. Many citizens are becoming confused over the conflicting evidence that is being produced by parties who believe climate change is happening, and by those

who do not. To demonstrate, whilst the Department of Climate Change and Energy Efficiency state that climate change is human induced (DCCEE 2011), there remains doubters in society, such as the website Climategate. Climategate states that 'Anthropogenic global warming is history's biggest scam' (Climategate 2011), and remains stalwart on this stance citing various sources of evidence for their claim. Indeed, it seems that for all the scientific evidence that one party will put forward to strengthen their claim, the other party will counter with their own evidence. This only creates confusion among the community as to who they should believe.

From statistical analysis it seems that in order to gain some guidance over their uncertainty, citizens seem to be turning to their political parties whom they have traditionally followed. Recent figures show that support for left-wing political beliefs is associated with greater belief in human induced climate change and with higher levels of concern about the effects of climate change (a survey conducted by the CSIRO showed that those most likely to think that climate change is happening largely due to human activity were Greens voters at 82%, and Labor voters at 63%) (Leviston et al. 2011, 6).

With little else to turn to, it seems that the population have simply adopted their party lines over the issue of climate change. Since 2007 when Kevin Rudd became Prime Minister as leader of the Labor Party, the Labor Party has developed (or at least tried to develop) various policies to counter climate change (such as the creation of the Department of Climate Change and Energy Efficiency). Meanwhile, there is still some skepticism within the Liberal

Party. So much so that the then leader, Malcolm Turnball, was ousted as leader due to his support of Kevin Rudd's emissions reduction scheme. There remains some doubt within the Liberal Party over climate change, with some members refusing to believe that climate change is a real and pressing issue (Franklin 2009). The political uncertainty surrounding the issue has spilled out into the wider public to create further social uncertainty. This is exemplified in a memo written by Republican strategist Frank Lutz to the then US president George W. Bush:

> Voters believe that there is no consensus about global warming within the scientific community. Should the public come to believe that the scientific issues are settled, their views about global warming will accordingly…therefore, you need to make the lack of scientific uncertainty a primary issue in the debate. (Quiggan 2008, 207)

Back in Australia we are witnessing the two major parties still in disagreement over Gillard and Labor's proposed carbon tax. The issue is dividing not only Canberra, but also the whole nation. The issue has snowballed to the point where there are questions put over Gillard's leadership, with every move she makes is coming under scrutiny.

- *Economic Uncertainty*

Environmentalist's hopes that some sort of global economic agreement on emissions reduction could be reached at Copenhagen in 2009 were somewhat dashed by the continual lack of agreement between nations in attendance (Williams 2010), however the conference in Cancun was somewhat of a step forward. The disagreement stems from growing economic power nations

(such as India and China) who do not want to jeopardise their development by setting themselves stringent emissions targets (McKibbin 2009, 465). Also, developed nations cannot readily commit to any target reduction either, as unforeseen economic growth can quite quickly offset any target reduction that is actually reached:

> No one expected during the 1997 negotiations that a decade later New Zealand would be facing a dramatic rise in Asian demand for beef and diary products. The impact of increasing methane emissions in New Zealand has been so large that it has completely offset the reductions New Zealand was able to achieve in the early 1990's. (McKibbin 2009, 464).

The lack of certainty surrounding a nations economic growth prevents any substantial agreement that can be made to try and reduce emissions. It seems that ultimately, a nation will not want to jeopardise any short-term economic growth in order to mitigate any potential long-term damage by an uncertain issue.

The Element of Value Divergence in a Wicked Problem

As outlined earlier, one of the criterions for a problem to cross the threshold into wickedness is value divergence (Head 2008, 104). The term value divergence is not a mere descriptive for a disagreement between two stakeholders over a policy issue, but rather refers to a deep seeded moral conflict between two or more parties who see their own values and moral systems at stake over the outcome of the policy. With this framework in mind, it is easy to see how difficult it can be to manage value divergence over a policy issue. Hume has suggested that there would be no moral conflict if social resources were less scarce or human nature more generous (Gutmann et

al. 2000, 18). Hume raises an interesting point, however, Gutmann argues that scarce resources and human nature are not the only sources of moral disagreement. Gutmann states that an incompatible value system and an incomplete understanding only diverge parties to the issue further (Gutmann et al. 2000, 18).

Gutmann states that politicians and citizens alike fall into the same trap of viewing moral disagreement in terms of a conflict between persons who pursue different ends; the rich against the poor, the self interested against the public minded, the climate skeptics against the environmentalists (Gutmann et al. 2000, 23). To do this seriously understates the scope of moral conflict, and suggests that any moral conflict will simply be resolved by unlimited resources. There needs to be a recognition that the conflict does not originate from the persons, but from the values themselves (Gutmann et al. 2000, 23). Gutmann argues that difficulty will generally be met whenever moral disagreement enters the realm of policy development:

> Finding the right resolution becomes more difficult when moral values conflict, and a conflict among values readily turns into a conflict among persons, as citizens come to different conclusions about the same decisions and policies (Gutmann et al 2000, 24).

When there is a divergence in values between parties there will generally be an incomplete understanding of the issues that are at hand by each party to the issue. One must accept that we live in a state of moral conflict over many issues that we do not, and will find great difficulty in finding, a correct answer to. Some moral conflicts will have a uniquely correct solution, and some may not:

> We should not expect to resolve all or even most moral conflicts. If incompatible value and incomplete understanding are as endemic to human politics as scarcity and limited generosity, then the problem of moral disagreement is a condition which we must learn to live with, not merely an obstacle to be overcome on the way to a just society. (Gutmann et al. 2000, 26).

That is to say, if everyone were to be completely benevolent then there would still be some discrepancy given to the various factors that weigh in, moral and empirical, to any public policy decision (Gutmann et al. 2000, 25).

Value Divergence in Context – Illicit Drug Policy

Illicit drug policy itself can be viewed in a myriad of ways, so much so that it has led some commentators to describe it as an example of a 'policy zoo' (Doessel et al. 2008, 239). Marks has categorised illicit drug policy into four different dimensions:

> For some, drugs are just another commodity, albeit with certain attributes not shared with most other commodities. This position can be described as libertarian. Second, some others regard drugs as a "Faustian ambrosia", leading to unconstrained pleasure and loss of self control. Thus drug policy becomes a moral issue. A third conception is that drugs can be a vector for disease and a fourth approach is to regard them as analgesics. The third and fourth approaches treat illicit drug policy as a health issue. (Marks 1990, 68).

This section will deal primarily with the second position, regarding illicit drug policy as a moral issue containing value judgments. It has been noted that this facet of drug policy is rarely recognised within the literature (Doessel 2008, 239). Firstly I will explore the prohibitionists' beliefs, and then I will move on to those who argue for harm minimisation (who can be somewhat divided between themselves).

The Criminalisation of Drugs – The Point for Prohibition

The main argument for the criminalisation of drugs is to show their illegality, and that the taking of mood altering drugs for recreational purposes is wrong. Indeed, the point for prohibition has received some high profile support over the years including former Prime Minister John Howard, who stated in the House of Representatives:

> It is no secret that Major Watters adopts the view, as do many others, including myself, that the policy of zero tolerance of drug taking in this country is a wholly credible policy and a policy that ought to be pursued more vigorously by government and by people who are concerned about the problem (Australia, House of Representatives, 1998, 3564).

The aim of prohibition is deterrence. By threatening potential drug users and dealers with potential gaol time, it is believed that this will act as deterrence to engaging with illicit drugs. The fundamental basis for this belief is that drugs are morally wrong as they present unnecessary harm to the user, unnecessary harm to the surrounding community, and transfer too great a burden to the community from resulting addiction and other mind altering side-effects (Drug Free Australia 2010, 1). It is from this line of thought (that drug use causes too much damage to the community) that prohibitionists argue a liberal line of thought to drugs is too short sighted (Dalrymple 2005, 1). Those who cite Mill against the prohibitionist argument on the debate on drugs:

> That the only purpose for which power can be rightfully exercised over any member of a civilized (sic) community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant (Mill 1859, 68)

Neglect to see the damage that drug users cause around them, whether it be the further social burden placed on the community, or the emotional distress of a family member who is forced to witness a loved one slowly destroy their own life (Dalrymple 2005, 3).

It is true that the illegality of drugs is what causes drug users criminalisation. However, the same be said that the illegality of stealing cars is what creates car thieves (Dalrymple 2005, 3). This shows that ultimately, the cause of all criminality is the law, and as yet no one has called for the complete abandonment of the law. As it stands, the use and selling of drugs is illegal for the benefit of the community and the individual, and as it the law it should be respected.

Harm Reduction Strategies – The User is a Patient, Not a Criminal

Harm reduction policy rose to prominence around the 1980's when people wanted to challenge the status quo of drug prohibition (Doessel 2008, 204). The term harm reduction itself has been met with some debate, with many commentators failing to come to consensus as to just what it entails. For example, Newcombe has put forward the following explanation of harm reduction policy:

> Harm reduction…is a social policy which prioritises the aim of decreasing the negative effects of drug use (Newcombe 1992, 56)

Newcombe's statement was met with some criticism. The main objection to this statement came from Single who believed that it was far too broad and

could encompass any program that aimed to decrease the negative effects of drug use, even gaol (Single 1995, 288). A more narrow definition was given by Heather, who included the caveat that harm was to be reduced without necessarily decreasing consumption:

> The essential feature of a harm reduction strategy is that it involves an attempt to ameliorate the adverse health, social, or economic consequences of mood altering substances…harm reduction is distinguished…by its emphasis on decreasing problems rather than decreasing consumption itself (Heather et al. 1993, 3).

Thus, harm reduction seeks to reduce the imminent danger that a drug user puts themselves in as a result of their choice of actions.

Harm reduction has been described as a value neutral shift in policy (Pauly 2008, 4). This is not to say that it is void of its own values, but that it aims to eliminate the moral judgment of drug users and see them as people rather than deviants (Tuukka 2007, 85) who simply need help, whilst espousing its own values through its principles (Pauly 2009, 6). Tukka argues that by criminalising drug users we only continue to further stigmatise them during a time when they need help:

> For as long as our society comprises of individuals who discriminate against drug addicts…addicts will continue to be an ever increasing body of people who exist outside society…it is necessary to adopt a policy that is assimilative, rather than coercive, that seeks to integrate drug users into society rather than marginalise them (Tukka 2007, 85-86).

Harm reduction looks past discrepancies and recognises the intrinsic moral worth of all individuals, whilst not condoning the harsh moral judgment of those experiencing drug problems. Harm reduction believes that resources

shouldn't be rationed based on those who deserve the care, as it believes that everyone is deserving of care.

The Element of Complexity in a Wicked Problem

The final element of a wicked problem that needs to be discussed is complexity. Complexity within policy development can be quite overwhelming. The issue at hand will often look far too big to be able to deal with alone, and will often involve inter-related problems with multiple definitions and potential solutions. In a way, complexity is almost a combination of uncertainty and value divergence. Roe has given the following outline of complexity:

> To many analysts, complexity is the issue's internal intricacy and/or its interdependence with other policy issues. (Roe 1998, 14).

Whilst this outline is accurate, I would like to expand the notion of complexity into three different areas; problem formulation, an unlimited amount of solutions, and related problems.

Complexity begins with problem formulation itself. Quite often the debates surrounding the policy issue are ever changing to the shifting nature of the problem, which makes defining the problem and locating the source of the problem extremely difficult (Martin 1998, 177). This is due to the inter-relatedness of the policy issue itself. These days, many policy dilemmas spread across multiple departments requiring cross communication between the various agencies. If a potential source of the problem is found and

removed then this can just create another problem, of which the previous problem was simply a symptom:

> The process of resolving the [policy] problem starts with the search for the causal explanation of the discrepancy [between the current and the desired]. Removal of that cause poses another problem of which the original problem is a "symptom". (Martin 1998, 188-189).

Similarly, the initial problem at hand may even be a symptom of an even larger problem still. This makes the development of solutions difficult, as the wider and more complex the problem is, the wider and more complex the solutions are. Since the range of possible solutions is unknown, this in effect, makes the range of solutions unlimited (Martin 1998, 186).

The nature of complexity itself can be overwhelming for policy developers, often not even knowing where to begin when tackling a complex policy issue.

Complexity in Context – Indigenous Disadvantage in Australia

The amount of indigenous disadvantage in Australia is quite alarming, with high mortality rates, welfare dependency, and low levels of education rife in indigenous communities (urban, rural, and remote) (Mazel 2009, 475). At birth Indigenous Australians are expected to live to the age of 67.2 for males and 72.9 for females. Alarmingly, this is 11.5 years less than a non-Indigenous male and 9.7 years less for a non indigenous female (ABS 2010). In terms of education, in the period between 2003-2007, 36% of Indigenous Australians at the age of 19 had completed year 12, compared to 74% of non-Indigenous Australians. Finally, during 2006 the Indigenous Australian rate

for chronic health problems that rendered assistance (communication, mobility, aided care etc.) was twice that of non-Indigenous Australians (ABS 2010). Indigenous disadvantage is very complex in that it spreads across multiple areas (health, economic, and education to name three). However, even more complex is finding the root cause of the problem, and the solution.

There have been suggestions that the complex nature of indigenous disadvantage has been born out of the complexity of indigenous political identity; the struggle to maintain their own traditional identity, whilst trying to keep up with the ever-changing nature of non-Indigenous society:

> Aboriginal people today grapple with the often-uncomfortable intersection of their fractured (but not abandoned) traditional and cultural life, the legacies of colonization, and their own diversity across the continent. These intersections of history, culture, experience and identity have produced an extraordinarily complex political culture that, in general, is very poorly understood by non-aboriginal people. (Maddison 2009, xxvi)

The media exemplifies this misunderstanding of indigenous political culture. Indigenous disadvantage in Australia is a complex issue, however, the media have the tendency to beat the issue up as simple welfare problem claiming that Indigenous Australians have a culture of reliance of welfare (Maddison 2009, xxix). This only makes the problem even more difficult to deal with, as the general public take on the view of the media and become disillusioned with the government over the lack of results:

> Journalists seem intent on presenting the view that Aboriginal people are all like minded and where there is a difference of views it is interpreted as meaning that 'Aboriginal people are not organized, don't know what they're talking about, they need to get their act together, and who cares anyway? …This type of representation is indicative of how far Australian society needs to come in their understanding of Aboriginal culture. (Maddison 2009, xxix).

We need to better understand the complexity of Indigenous Australian culture before we can tackle the complexity of Indigenous disadvantage. While some praised the Northern Territory intervention for finally taking action over a serious issue, others viewed it as too rash and dramatic a policy (Mazel 2009, 478), which simply aimed undermining the local Indigenous knowledge of the communities and kin-ship system. Inclusion in the policy making process may alleviate some of this complexity, however I will explore this at a later point in the discussion.

Conclusion

By exploring each of the three elements to a wicked problem separately a clear indication of the difficulty surrounding policy development is given. When a policy issue encompasses just one of these elements policy development becomes difficult, but when all three are present the problem shifts into the realm of wickedness. However, more often that not the elements work together within the web of the policy issue. As is seen from the policy examples given; the uncertainty of climate change adds to the complexity of the issue as well, as with indigenous disadvantage we can never be certain that a policy direction within such a complex issue will be a successful one.

Value divergence presents an interesting element. Whilst the divergence of values does add to the overall difficulty of the problem, it does present an

opportunity to expand our realms of understanding on the issue. There are inherent dangers when a policy issue is framed too narrowly, as this will lead to a limited understanding of the issue by failing to consider other dimensions. By forcing policy developers to consider other values, the value divergence element has left room for deliberative practices to potentially alleviate both complexity and uncertainty through the benefits attributed with deliberation, however this will be explored at a later point of the discussion.

Chapter Two – The Guiding Principles of Deliberative Democracy

There are three principles inherent to any analysis of deliberative democracy. These are legitimacy, difference, and engagement. This chapter will explore each of these before I relate them to wicked problems in the final chapter of this thesis. It should be taken that these three principles are not stand-alone pillars of deliberative democracy. As this discussion will show, each of these principles are closely interconnected with each other, working together in order to promote a theory of democracy that is concerned with better understanding of issues, mutual respect between citizens, and effective policy responses.

Legitimacy within Deliberative Democracy

Whilst there has been a huge focus on the advancement of deliberative democracy, there have been suggestions that, on the face it, the idea is practically impossible (Dryzek 2001, 651). This criticism stems from the claims of the legitimacy that deliberative democrats make. Cohen's classic formulation of legitimacy in deliberative democracy states the position well. He argues that:

> [O]utcomes are legitimate to the extent they receive reflective assent through participation in authentic deliberation by all those subject to the decision in question. (Cohen 1989, 18)

Critics make the point that while deliberative democracy claims legitimacy in numbers, that is, the more people who deliberate, the more legitimate the process appears (Parkinson 2003, 181), there appears to be an irreconcilable tension between this legitimacy and deliberation itself. The conflict lies in numbers, as the more people who take part in the deliberation process, the more likely it is that the deliberation process breaks down. Obviously deliberation is imperative to deliberative democracy, thus it is important to have procedures in place that ensure effective deliberation. Often this point is overlooked, as some authors tend to throw the term deliberation around quite loosely. One must remember that deliberation is more than just delivering a speech to an audience. It is an interaction of various viewpoints with the aim to converse and educate (Parkinson 2003, 181). Many theorists fall into the trap of claiming that public forums are deliberative when they actually aren't. This tension between deliberation and legitimacy has been labeled the scale problem of deliberative democracy:

> Beyond a very small of number of participants (certainly fewer than twenty) deliberation breaks down with speech making replacing conversation and rhetorical appeals replacing reasoned arguments…However, the decisions appear illegitimate for those left outside the forum. (Parkinson 2003, 181).

The scale problem requires a balancing act between the numbers of representatives/participants to the deliberative process, whilst maintaining an appropriate number of participants preventing the deliberation from turning into a forum. The question remains, how can this tension be resolved?

There have been suggestions there that should be a restriction in the number of times that the people deliberate, such as matters concerning the constitution

or that of social justice (Dryzek 2001, 653). This solution does not eliminate the scale problem; it simply reduces the amount of times that it will need to be dealt with. The number of citizens participating in the deliberation does not reduce, it simply reduces the amount of times that deliberation takes place. However, the suggestion should not be discounted completely. In a system of governance where deliberative democracy is the primary mechanism for making laws, then the scale problem does present issues. However, if deliberative democracy were to be used in conjunction with representative democracy there is some validity in the suggestion that limiting situation will limit numbers. If deliberative democracy was only used for complex issues, the numbers could be limited to the stakeholders who have an interest in the outcome. Whilst it is likely that this will not reduce the amount of participants to an appropriate amount for deliberation, it is certainly a start.

By limiting deliberation to certain complex issues the number of participants will already be slightly lowered to stakeholders who have an interest in the outcomes of the problem. This number itself will still be quite large. Thus, the solution lies in creating a small group of deliberators who are representative of the various stakeholders who have an interest in the outcome (Dryzek 2001, 653). The representatives can be chosen by one of two ways: either by the groups themselves via elections or deliberations, or by random sampling (Parkinson 2003, 187). It needs to be remembered that not all those who are affected by the outcome will actually want to deliberate. Some may feel that someone else with the same interests will better represent their interests, as they do not have enough confidence in their communicative abilities.

There does not necessarily have to be a set formula when selecting participants to participate in the deliberation. For example, when selecting deliberators for an issue such as climate change it might be effective to randomly select citizens from the general population (among those who are interested in deliberating of course), so that a broad cross section of the community can be covered in an issue that affects the whole nation. However, when selecting deliberators to participate in an Indigenous disadvantage discussion it may be prudent, especially among the Indigenous population due to the divergence of views among each Indigenous community (Maddison 2009, xxix), to allow deliberation between the each group to discuss who is best suited to represent their interests. Deliberative democracy needs to be flexible and adaptive to an ever-changing policy environment in order to promote better outcomes.

Further to legitimacy is establishing a process of deliberation itself that, even if it produces an outcome that not everyone can agree with, no one can deny the legitimacy of the process through which it was reached (Gutmann 2004, 109). This is known as procedural reciprocity of deliberative democracy. A set process that all parties agree to needs to be established before deliberation to ensure the fair and equal participation in the process among those citizens who wish to participate. For example, a deliberative process can be seen to violate principles of procedural reciprocity if it excludes a certain race from the process of deliberation. Clearly, it is unjust to exclude any individual (or

group) from the deliberative process based upon their religion, race, gender etc. This is elaborated by Rawls where he writes:

> These liberalisms…cover more than procedural justice. The principles are required to specify the religious liberties and freedoms of artistic expression of free and equal citizens (Rawls 2002, 14-15).

The first step in establishing a strong and legitimate deliberative democracy is to establish a process that encourages inclusion for those who wish to participate. Denying certain groups the opportunity to deliberative will not only raise questions over the process itself, but also affect the level of engagement that can be generated from the deliberation. By limiting the groups who may participate in the process the framework and understanding of the issue will become too narrow. In the case of complex policy issues this is the situation that is to be avoided. Better policy outcomes will more likely flow from a process that encourages wider inclusion.

The Importance of Difference in Democracy

There needs to be a recognition that legitimacy claims extend beyond a simple headcount of numbers. For the legitimacy of democracy to be strengthened there is a need for the continued improvement of democracy itself. One such area where improvement can be found is in the formal inclusion of typical segments of society who have typically been excluded from the political process. This has been recognised by the difference democrats who:

> [S]tress the need for democratic politics to concern itself first and foremost with the recognition of the legitimacy and validity of the particular perspectives of historically oppressed segments of the population. (Dryzek 2000, 57).

Dryzek has coined the improvement of democracy as "the democratization (sic) of democracy" (Dryzek 2000, 86). This becomes more substantial and effective by the inclusion of a variety of disadvantaged groups. Young has compiled a list of groups that she believes have been typically under-represented in America (circa 1990) which includes women, blacks, native Americans, old people, poor people, disabled people, homosexuals, young people, and nonprofessional working people (Young 1989, 265). Young's list of minority groups bears remarkable resemblance to segments of Australian society who have typically found it difficult to participate in politics. Thus, to improve democracy in Australia there needs to be the opportunity of involvement in the political process for the typically disadvantaged groups. Deliberative democracy has the potential to achieve this, despite some doubts from difference democrats.

Difference democrats have often objected to deliberative democracy as the answer to inclusion. Proponents of difference argue that deliberation simply reinforces the existing inequality of political hierarchies (Sanders 1997, 348). This is because deliberation itself is an art of communication requiring dispassionate, reasoned, and logical speech, the form of speech which quite often takes place in the activity of boardrooms and parliaments (Young 2001, 677). Thus, there will inevitably be citizens who are better equipped and more prepared to deliberate (the educated middle-upper class), leaving the process open to be dominated by a select few. As a result, deliberation departs from

the aim of problem solving to that of confrontation with a clear set of winners and losers (Dryzek 2000, 65). In the context of deliberation, this is the scenario that is to be avoided. Deliberation is always to remain a mechanism for problem solving rather than confrontation. To do this, interaction needs to be slightly shifted from deliberation to communication.

To accommodate individuals who may not be adept at deliberation Young suggests a move away from deliberative democracy towards communicative democracy (Young 1996, 128). Communicative democracy sees differences of culture, social perspective, and particularist commitment as a resource to draw on for reaching an understanding in democratic discussion, rather than as a division that needs to be overcome (Young 1996, 120). Communicative democracy is reliant upon three forms of speech; greeting, rhetoric, and story telling (Young 1996, 129). Whilst not straying from the argument that deliberative practices can provide better outcomes when working with wicked problems, I argue that these forms of speech, when used in a deliberative format, will provide an excellent means for disadvantaged groups to participate in deliberation.

It is Young's view that deliberative theorists tend to underestimate the power of greeting, thinking it is something of a banal activity (Young 1996, 129-130). However, a simple greeting can go a long way. By engaging with each other before deliberations have even begun with speech that makes no assertions and has no content, the parties are already establishing a mutual respect for one another (Young 1996, 129). This can take the form of simple

exchanges of “Hello”, “Good Morning”, and “How are you?” Without preliminary greeting and friendly conversation before the deliberation, the process may feel like a formal proceeding or contest between discourses that is peppered with coldness, indifference, and insult (Young 1996, 129). This is precisely what is to be avoided. The aim of greeting is to begin proceedings with recognition of mutual respect that can be communicated across cultural or social differences. It always needs to be remembered that this is not a contest between enemies. The whole point of deliberation is to come to some form of consensuses between ideas that will be of benefit to everyone, not just one party. Greeting is the first step in the process of consensus from deliberation.

When using deliberation to overcome social problems concerned with class or culture there remains the problem that parties to the deliberation may not understand the position of the other, or even worse, misunderstand the position of the other. To compound this problem, it is often hard to communicate ones own desires, values, interests, and motives in the form of articulated argument. To overcome this problem, Iris Young suggests using the narrative technique of story telling (Young 1996, 131). The primary purpose of story telling is to provide a first hand account of what it is like to experience a particular social position (Young 1996, 131). There is something powerful in an Indigenous Australian explaining their own hardships and experiences in a remote community that has a lack of educational and health services. Story telling is also an effective means of espousing ones own values, beliefs, and culture (Young 1996, 131). Indigenous Australians have

been using dreamtime stories for centuries to provide an account of their culture, beliefs, and values. Such would provide invaluable insight into their understandings within a deliberative format.

There remains some debate among deliberative theorists regarding the place of rhetoric within deliberative democracy. Writers such as Dryzek argue that the opposite of rhetoric is not deliberation; it is Rawlsian reason, heresthetic, and command (Dryzek 2010, 233). Dryzek argues that this is counter-productive to inclusion in deliberative democracy. Rawlsian reason stem from the works of Habermas who argued that reason and understanding only comes from the weight of the better argument (Habermas 1974, 85). It is an individualistic process whereby one's own maturity is measured against their ability to comprehend arguments made (Kant 1995, 17). There is an inherent distrust of rhetoric in this understanding of reason. Habermas sees deliberation as a process that is devoid of emotion; it is simply a case of logic and reason. In his view, if rhetoric is introduced into this process then reason and logic will be corrupted (Dryzek 2000, 53). Rhetoric relies too heavily on the character and emotion of the speaker, rather than the content of the argument they are espousing. When emotion becomes the main driving force behind an argument the audience will begin to lose their rationality and logic, instead relying on raw emotional feelings that corrupt reason and understanding.

This conception of reason and understanding bears strong resemblance to the form of deliberation that Sanders argues is the antithesis of participation as it

simply reinforces the existing political hierarchy; that is, dispassionate, logical, and reasoned speech (Sanders 1997, 348). Sanders argument rests in the thought that, whilst reason and understanding are key to any form of deliberations, they can exclude individuals who may have something important to say but do not have the appropriate communicative skills to say it. Also, Habermas' conception of deliberation appears to be ill equipped to work with complex problems in a deliberative context. By framing deliberation in terms of 'the strength of the better argument', there is almost an implication within this statement that there is a right or wrong answer to the issue in question. When working with policy quite often there is no right or wrong answer due to the sheer complexity of the issue. Also, by using the term strength, Habermas implies that deliberation is some sort of contest between ideals. This is not a conception of deliberation that is needed to promote inclusion. Rather than being viewed as a contest, deliberation needs to be seen as a cooperative and collaborative exploration to reach the best possible outcome for all parties involved.

Thus, rhetoric has an important role to play in order to establish deliberation as an exploration rather than a contest, and to overcome any barriers of inequality or difference. For one, it is a common occurrence within deliberations that an audience simply cannot distinguish which argument appears to be stronger, especially in the case of expert opinion. As Dryzek points out,

> …When it comes to complex policy issues, lay deliberators operating under time constraints have no alternative but to make character judgements about the experts

> who are making points, especially when different experts reach different conclusions (Dryzek 2000, 53).

Some citizens, especially when it comes to scientific or other expert knowledge, cannot undergo the individualistic transformative process of understanding identified by Kant and further advocated by Habermas (Kant 1995, 17). When working with wicked problems, deliberation cannot be viewed as an individualistic process, as the problems are far too complex to try and understand alone. Ultimately, their final decision regarding whom they believe may come down to which they believe has the better character.

The application Aristotelian rhetoric may also overcome any barriers of difference to deliberations. O'Neill has recognised three elements of Aristotelian rhetoric that have a place within deliberative democracy; the persuasion of the argument itself, the nature and character of the speaker (incorporating elements of voice and actions), and the use of the emotions of the audience (O'Neill 2002, 256-257). The use of these elements of rhetoric also aim to negate any stereotype of those who wish to speak, and any prejudicial thought there may be which will act as a barrier to the speaker being taken seriously (Young 1999, 156). Narrative techniques that make use of Aristotelian rhetoric include greeting and story telling (Young 1996, 131). The use of these techniques create some parity among participants who may come from different cultural backgrounds, and give new light and perspectives on issues that create particular divide among society. Within the use of greeting and story telling, participants can use humour, emotion, tone, and actions to build a rapport with other forum members, so that consensus may more readily be reached.

By applying the forms of speech used in a communicative democracy as derived by Young within a deliberative setting, any difference between groups who are a party to deliberation may morph from a barrier into a resource. The importance of greeting, story telling, and rhetoric should not be downplayed as they are methods of communication that foster inclusion and togetherness, as opposed to the confrontational form of deliberation as derived by Habermas. However, the inclusion of disadvantaged groups is not the only concern of deliberative democracy. One of the key features of deliberative democracy is that a better understanding of an issue will be reached due to engagement between parties through the process of deliberation the giving of reasons for their points of view (Gutmann et al. 2004, 13). The next section of this chapter will discuss how engagement will stem from communication.

Engagement with Deliberation

Establishing inclusive forms of communication is the first step to creating an equal setting for deliberative democracy. Attention now needs to be turned in how to create engagement with these forms of communication. Reciprocity is the key to establishing engagement. Reciprocity works in two dimensions. Firstly, there must be mutual respect between each of the parties to deliberation. If there is no mutual respect then parties will not be open to the arguments that they espouse. If participants are not open to arguments then there is no point in deliberation. For Gutmann and Thompson, reciprocity is the foundational principle of deliberative democracy, from which all other

principles stem (Gutmann et al. 2004, 145). It aims at a multi level perspective for learning, so that true engagement with a topic can be attained and better reason used when discussing it (Held 2006, 233). The principle of reciprocity converges with both substantive and procedural principles of deliberative democracy. Gutmann and Thompson warn about the dangers of bridging these two sets of principles as separate, as it distorts the idea of principles and theory of deliberative democracy (Gutmann et al. 2004, 103). Procedural reciprocity has been discussed earlier in the chapter in relation to legitimacy. This section will explore substantive reciprocity in terms of engagement.

Substantive principles of reciprocity relate to the method of justification given for arguments by those who are espousing their views. Reasons for an argument provided need to be accessible, and when these reasons are provided they need to be accepted based on mutual respect between participants. However, there is some contention among theorists regarding the use of sectarian arguments in a deliberative setting. Dryzek states that Gutmann and Thompson rule out sectarian arguments when justifying positions in a reasoned debate, e.g. I believe divorce should be outlawed because it is against my religious beliefs (Dryzek 2000, 45). Dryzek does not clearly state the position of Gutmann and Thompson. Whilst they do state that simply citing a revelatory source transgresses the substantive principles of reciprocity, if one provides justifiable reasons as according to that source, then this qualifies as justifiable reasoning (Gutmann et al. 2004, 144).

To better illustrate substantive reciprocity and sectarian arguments I will provide an example relating to illicit drug use. In terms of reciprocity a participant of the deliberation cannot simply state that illicit drug use should be outlawed because it is against the will of God. For example:

> Now the deeds of the flesh are evident, which are: immortality, impurity, sensuality, idolatry, sorcery, enmities, strife, jealousy, outbursts of anger, disputes, dissensions, factions, envying, drunkenness, carousing, and things like these, of which I forewarn you, just as I have forewarned you, that those who practice such things will not inherit the kingdom of God (Galatians 5: 19-21)[1]

To simply cite this would have no reciprocal value. However, it would have reciprocal value if that person were to discuss the reasons as to why God believes that illicit drug use should be outlawed. In this case, substantive reciprocity requires that the argument raised on religious beliefs be accepted, and not simply dismissed because it comes from a religious standing. Regardless of what the reasons for an argument are, when those reasons are provided there needs to be some form of mutual respect between parties when engaging the topic in a deliberative format. This is also the position of George, who states:

> By observing the principle of reciprocity in moral and political debate, one is indicating respect not necessarily for a position…but for the reasonableness and goodwill of the person who happens to hold that position (George 1999, 191-192).

[1] Although the word 'drug' isn't mentioned in this verse, originally translated, the Greek word for 'sorcery' is pharmakeia, which is where the English word pharmacy comes from. The primary meaning is 'the use or the administering of drugs' (usually associated with sorcery or idolatry) (Deem, 2011).

Thus, substantive principles of reciprocity promote not only better engagement with the issue, but also mutual respect between those parties who are involved in the deliberation.

There have been calls from theorists such as Rawls and Audi that deliberation should be secular and sectarian arguments should be ruled out completely from the narrow domain of public reason (Rawls 2002, 148). Rawls states that while they may be introduced into the public domain, at some point they must be justified by proper political reasons rather than justified by the comprehensive doctrine itself. For Rawls, this is known as the proviso (Rawls 2002, 152). Rawls believes that such arguments remain a part of the philosophical and moral field, and remain separate from the political (Rawls 2002, 148).

We see a difference here between the conceptions as derived from Rawls and Gutmann. The idea of substantive reciprocity as derived by Gutmann and Thompson appears to better serve the ideals of inclusion and procedural reciprocity in deliberative democracy. Allowing various sectarian arguments into the deliberative realm encourages inclusion and engagement. Disallowing it will only serve to alienate a significant proportion of society, questioning the legitimacy and procedural reciprocity of the process itself.

Reciprocity requires more than accessible reasoning when involving oneself in a reasoned discussion, but requires one to be a moral citizen as well. By moral, Gutmann and Thompson state that one needs to think outside of their

own interests when contemplating an issue that is placed before them (Gutmann and Thompson 2004, 147). This concern is also raised by Rawls when he states:

> …[I]f, when a stand off does occur, citizens simply invoke grounding reasons of their comprehensive views, the principle of reciprocity is violated…citizens must vote for the ordering of political values they sincerely think the most reasonable (Rawls 2002, 168).

When participating in a deliberative setting citizens need to open themselves up to the possibility of change, and rather than fulfilling their own self interest, look to the greater benefit of the whole.

Conclusion

It is important to understand that the principles of legitimacy, difference, and engagement should be considered separate of each other. Each of these principles works with the other to promote the validity of deliberative democracy. Legitimacy of the process is not to be taken as a simple headcount of numbers to ensure there is adequate representation of interests. Legitimacy extends to the process of deliberation itself. The process cannot be considered legitimate if there has been no engagement or respect shown between the parties. Even so, there can be no engagement unless forms of communication such as greeting, story-telling, and rhetoric are allowed during deliberations to allow for a more equal setting where those who may not be able to deliberate effectively are given a chance to have their point of view discussed. From this envision of deliberative democracy I will move on to discuss how and why deliberative democracy is suited to wicked problems, and how the process

itself will result in a better outcome in terms of legitimacy, and how it is likely to produce a better outcome in terms of engagement.

Chapter 3 – How Deliberative Democracy can Provide Better Outcomes to Wicked Problems

Earlier, issues of complexity, uncertainty and value divergence were analysed and discussed by providing contemporary examples of these issues. In the second chapter there was an exploration the conception of deliberative democracy aimed at bringing legitimacy, engagement, and difference to the forefront of the aims of deliberative democracy. This chapter will focus on addressing how, and why, this conception of deliberative democracy is best suited to work with wicked problems to, if not resolve, but provide better outcomes. The reasons why outcomes can be better are threefold:

1. Outcomes will be more legitimate as parties who have an interest in the outcome are a part of the deliberative process and are able to put their own values forward,
2. Deliberative practices have the ability to bridge together typically divided groups, values, views etc. to further enhance engagement and the legitimacy of the process, and
3. Deliberative practices have the ability to change the minds of participants which can create easier consensus and make participants evaluate arguments outside of their own values.

The Typical Policy Process

Typically, policy development has been focused upon an empirical approach when working towards a solution for various policy issues. The positivist approach was born out of the research methods developed by theorists within the discipline of the physical and natural sciences. Positivism relies on the thought that any body of knowledge can be empirically organised to reveal various patterns and outliers that can then be translated into generalisations, thus improving our overall knowledge of the issue and surrounding problems (Fischer 2003, 212). Leading policy analyst theorists such as Sabatier argue that this is the only effective means of policy development (Fischer 2003, 212). Sabatier envisions positivism as follows:

> [T]he goal is to generate a body of empirical generalizations [sic] capable of explaining behavior across social and historical contexts, whether communities, societies or cultures, independently of specific times, places or circumstances. Not only are such propositions essential to social and political explanation, they are seen to make possible effective solutions to societal problems. (Fischer 2003, 212).

Thus, positivists argue that the analysis of empirical data surrounding issues as the most effective way of exploring policy and making sound decisions. Indeed, with the rapid rise of emerging technology that was available to the policy analyst, that allow for the faster processing of empirical data, there was a wave of support for positivism believing that empirical data analysis was the only way forward (Heinemen et al. 1997, 22). A driving force behind this support was the thought that as there is no inherent bias in numbers, the policy analyst could remain objective when processing data, thus creating policy that

would reflect where the real interests and need lies (Heinemen et al. 1997, 23).

Positivism has generally been the mode of policy analysis that the Australian Public Service (APS) have used when faced with a policy issue. Generally, the approach has been quite linear. The issue is defined, and then the solution is developed based upon data that is available, try and test hypotheses', and sampling techniques (APSC 2007, 11). Arguably, this is not a method that is flexible or adaptive enough to adequately work with wicked problems. This point has been recognised by the Australian Public Service Commission (APSC) who have stated that there is a need to change the behavior of the policy analyst within the APS when approaching policy development (APSC 2007, 13).

A positivist approach alone is not sufficient enough to work alone with emerging wicked problems. Quite often the empirical data relating to a wicked problem is far too complex and uncertain to be able to make any generalisations that would help build towards a policy direction. As explored in the first chapter, climate change is an excellent example of this point. How can there be any generalisations drawn from the data that is available in respect to future predictions for climate change, when there is no consensus between the experts regarding future predictions, and exactly what areas of the globe are to be affected more than others? Whilst there remains a place for positivism within policy development, there needs to be a change in the

approach of policy developers to account for the new challenges that are emerging in the field of policy analysis.

Coupled with this, the organisational boundaries of the APS have been structured quite vertically. A vertical department structure consists of a chain of top-down accountability, where the minister of the department rests as the highest source of accountability. As a result, departments have become self sufficient in managing their own resources and focused upon achieving the aims that government have set specifically for them (MAC 2004, 5), since that department alone are accountable. Whilst this allowed for many benefits associated with good policy development, such as:

> [R]ational and efficient grouping of issues, clarity of focus to support a strong results orientation, and en effective basis for accountability and resource allocation (MAC 2004, 45)

It has also created a culture whereby horizontal departmental communication (communication between the various departments) has become difficult. This structure is not adaptive enough to work alone on emerging problems that encompass multiple government departments.

Legitimacy as a Result of Public Consultation

A deliberative turn may be the change in behaviour that is needed when working with wicked problems. When there is a large amount of uncertainty surrounding a policy issue, it is not ideal for a single policy development domain to explore the unknown alone. Not only is there no certainty in information that is available (especially in regards to an issue such as climate

change), but if a decision regarding an outcome is made by the single entity, without the inclusion of the public domain, that is ultimately discovered to be a bad outcome, there will likely arise serious issues of accountability and outcry as to why the public was not consulted. By using deliberative practices, these potential problems resulting from typical policy analyst methods will be alleviated.

Deliberative practices promote both the improvement of understanding issues related to the policy dilemma, and an increased sense of community when working towards an outcome (Cooke 2000, 950). Both of which are elements that are generally associated with good policy development. The argument that deliberation will promote better understanding of the issue has its roots in theorists such as Mill and Arendt (Cooke 2000, 950). Cooke outlines the positions of both Mill and Arendt as follows:

> [B]oth Mill and Arendt see participation in public affairs as good in itself, not merely as instrumental in brining about, or implementing, qualitatively better political decisions and laws. (Cooke 2000, 950).

Through the engagement that deliberative democracy promotes, participants may not only gain better understanding of not only the issue itself, but also the various differing values and beliefs that other participants to the deliberation posses. This is based upon the principle that justifications need to be given in a deliberative setting whenever an argument is made (Gutmann et al. 2004, 15). By participating in the deliberations an individual acknowledges that they do not have a full understanding of the issue, and are participating not only to convey their own knowledge and opinions on the topic, but also to gain a

better understanding regarding a line of thought or values they themselves may not have previously considered.

This leads to the second point, that deliberative practices can promote a better sense of community. Prior to entering deliberations, an individual might only be considering how the policy dilemma affects their own interests. This is fair enough, as quite often, when we are aggrieved or passionate about something our vision of the problem narrows to our own interests and values. However, upon willingly entering deliberations, one is required to listen to other perspectives, and consider positions that they may not have initially thought relevant (Gutmann et al. 2004, 10). Whilst this not only helps to educate the individual, it is also working towards a community-orientated consensus on how an outcome can be beneficial for the whole community (Cooke 2000, 949). Importantly, if the outcome of the proposed action reached via consensus during the deliberations is discovered to be an ineffective decision, then the decision can still be considered legitimate as it was reached through consensus. Rather than the decision being reached by a group of 'technocratic' policy analysts basing the outcome solely on quantitative means (Darning 1999, 390), the result is a reflection of the wider community who had a chance to participate.

Ability to Bring Together Divided Societies

Deliberative democracy (or practices) has the ability to bring individuals from different (and in some cases contentious) backgrounds to bridge the gap

within deeply divided societies through the form of communication and the location of communication. While the difference of values from the examples of wicked problems that were illustrated in the first chapter do not reach high levels of hostility between parties (e.g. where hostilities escalate to conflict as is often seen between nationalistic causes), there still remains division that affects good policy development. There remains some doubt about this ability of deliberative democracy among proponents of agonism and consociationalism who contend the claim that deliberative practices can bridge the gap between deeply divided societies. The former argues that the flaws in the rationalistic form of communication are not achievable, and the latter suggesting that it is too open to a variety of claims creating a flaw in the process.

Agonism is a theory that works in similar ways to pluralism in that it seeks to establish a political arena for groups with particular interests to debate their cause not as rational citizens, but as representatives of their respective 'passion' (where passion is used to denote ones own strong convictions towards an issue) (Mouffe 1999, 755). Agonists, such as Mouffe, argue that by allowing the passions of divided sectors of society to contest with each other the outcome will be a vibrant clash of political ideals that promote outcomes where the stronger passion will present itself, whilst encouraging respect for the adversary (Mouffe 1999, 756). This conception for resolution within divided societies is plausible according to Mouffe, as her main charge against deliberation is that it is unrealistic to expect citizens to remain rational whilst deliberating an issue that they feel so strongly about (Mouffe 1999,

756). Mouffe's position regarding deliberative democracy is essentially likened to the unstoppable force against the immovable object, as passions run so deep that neither party will be capable of reciprocity, eventually calling the other a 'fool and an heretic' (Mouffe 1999, 749). For this reason, Mouffe argues that deliberation is not the answer to resolution within a divided society.

Mouffe raises an interesting question against deliberative practices; however, it can be answered to prove the worth of deliberative democracy, especially when used in the case of wicked problems. Communicative forms within a deliberative democracy do not necessarily have to remain rational as Mouffe argues they do. As explored in the second chapter, there remains a place in deliberative practices for less rational forms of communication such as rhetoric, jokes, gossip, and story telling, all of which are used to accommodate the engagement of discourse (Dryzek 2005, 224). To determine the merit, worth, and reciprocal value that Mouffe doubts is capable of achieving within the deliberative process in question, Dryzek has put forward a three stage to test that participants need to ask themselves:

> [C]ommunication is required to be first, capable of inducing reflection: second, noncoercive: and third, capable of linking the particular experience of an individual or group with some more general point of principle. (Dryzek 2005, 224).

The third element is important to keep in mind when working with wicked problems. Engagement will be less likely to end in hostility if the focus of the deliberation is on specific needs (such as education or health), rather than a general value (Dryzek 2005, 225). If engagement is less likely to end in

hostility, then it is more likely that participants will be reciprocal and more open to other arguments.

To illustrate this point it is best to use an example of a wicked problem from the first chapter. Arguably, from the examples used in the first chapter, the sets of values that stand in the starkest contrast are those relating to the moral issues surrounding illicit drug use. Illicit drug use is generally divided between those who believe that the use of drugs is morally wrong and should thus be outlawed completely, opposed to those who take a more liberal approach and would rather a decriminalised system with a focus on harm mimimisation. If this issue were to be the subject of deliberation, a story that would generally emerge would be a harrowing one of an addicts fallout with their family and eventual turn to a life of crime. This story could be perceived in two ways, depending on the sets of values that are used to approach it. It can be told in terms of sympathy for the addict as s/he clearly has problems and is in need of help (this is the liberal's perception of the story), or that it was their own fault for turning to drugs in the first place (the moral character's perception). Both of the potential terms are likely to ignite hostilities between parties, as illicit drug policy is an issue that has affected so many families. However, if the focus were to be on the specific needs of addicts, rather than on the general values, then consensus is much more likely to be achievable (Dryzek 2005, 225). For example, if the story were to be told in terms of mental heath issues, such as the effects of long-term drug use and addiction.

This idea has been put into practice to great effect in Turkey regarding their education policy. In Turkey young Islamic women typically wore headscarves to denote their exclusion from secular universities (Dryzek 2005, 225). At the start of 2002, the issue was reframed in terms of the education needs of young women and the sentiment that it is a basic human right that education be available to everyone. This new perspective gained much more ground after the reframing, and the policy dilemma looked much less intractable than previously (Dryzek 2005, 225). This is a promising sign for the proposition of deliberation in Australia, showing that typically intractable issues are capable of reaching public consensus.

It is important to now turn to the criticisms from consociationalism. Proponents of consociationalism argue that it is the only form of association that is a viable option when working with divided values. Consociationalists contend that deliberative democracy is far too open to diverse claims to be able to properly process them properly and reach decisive outcomes (Dryzek 2005, 224). In light of this, consociationalists argue that the only workable solution to a society (or value set) that is divided is to establish a parliament that consists of leaders from each of the ethnic, value, or cultural groups (depending on how the society is divided), where power is divided as a coalition (O'Flynn 2010, 572). Each leader is to be a representative of their group's interests, and each would have a power of veto. Theorists, such as Lijphart, have championed the idea of consociationalism arguing that it can ensure that stability be maintained across deeply divided societies (Dryzek 2006, 50).

However, one could argue that the aims of consociationalism are too short term, aiming at conflict management rather than conflict resolution, or indeed resolution of the problem itself (O'Flynn 2010, 572). In the context of wicked problems, it can be argued that this is not an ideal solution. By recognising that the differences between parties are so contentious that reconciliation between views can only be managed, rather than resolved, this could (in effect) corrupt any chance of reciprocity between the parties. In turn, this will affect the legitimacy, and also the possibility, of any desirable outcome actually being reached. In fact, in the context of wicked problems, the criticism made by consociationalists (that deliberative democracy is too open to diverse views) actually appears to be further reason why deliberative democracy is best suited to working with wicked problems. This will be highlighted by using the wicked problem of climate change.

As outlined in the first chapter, an element that turns a policy problem into a wicked problem is value divergence between parties to the issue. However, whilst this does contribute to the complexity of the overall policy problem, it is also helps to work towards a solution, especially when coupled with deliberative practices. This is best explained by using exploring the policy development of climate change. Garnaut explains that it is dangerous when developing policy (in relation to climate change), to be governed by a narrow set of values, as this will lead to a narrow conception of the issues (Garnaut 2011, 13).

To apply this to climate change, one cannot be solely concerned with the neo-liberal economist value set concerning the potential short term economic loss as a result of mitigating the possible effects of climate change (Garnaut 2011, 14). To do so would be to frame the debate too narrowly. Likewise, it would be dangerous to focus on the environmentalists' claim that we need to do everything we can in order to mitigate to the effects of climate change in the future simply because there is too much uncertainty surrounding the projections of what will actually happen. There needs to be an acceptance of as many views as possible in order to broaden understanding of the policy issue. Deliberative practice is capable of accommodating such a diverse range of views, and processing them to allow participants to question their own values, and reach consensus on an appropriate course of action.

Deliberative practices can accommodate as many views as possible, simply because it is the goal of deliberative democracy (Gutmann et al. 2004, 11). By turning to deliberative democracy, there has already been recognition by citizens and officials alike that they have an incomplete understanding of the issue (Gutmann et al. 2004, 12). The best way to remedy an incomplete understanding is to include a diverse range of views and values:

> A well constituted deliberative forum provides an opportunity for advancing both individual and collective understanding… [P]articipants can learn from each other, come to recognize [sic] their individual and collective and misapprehensions, and develop new views and policies that can more successfully withstand critical scrutiny. (Gutmann et al. 2004, 12).

A deliberative forum that is more representative of all the interests and values that are a party to the issue will generally be more likely to achieve this than one that is closed to such diversity.

Deliberation Can Change Minds

To promote the legitimacy of a policy direction that is chosen it is important that parties to the decision agree that that it is the right way forward. This means that there needs to be a process in place that is capable of changing the minds of stakeholders who have conflicting views. It has been a common question mark over deliberative practices as to whether or not it can actually change the minds of participants; given that quite often participants who are deliberating over something that is important to them may be quite stalwart (Dryzek 20005, 229). However, given the right location and process of deliberation, a change in the mind of participants is possible. As a result this means that deliberative practices could be the ideal means of working with wicked problems.

The location and process of deliberation is important when trying to achieve a change in the mind of participants. Fung has devised a scale ranging from *hot* to *cold* (describing the process and location) to explain when a change in mind of a participant is possible (Fung 2003, 349). *Hot* deliberation would occur when the deliberation is tied to a sovereign authority, participants are individuals who have a lot at stake on the outcome, and the deliberation itself is a one off occurrence (Dryzek 2005, 229). In this situation a change in the

mind of a participant is not likely since the decision will be made quickly and authoritatively by the sovereign body, meaning that neither party are likely to concede, and, if they actually are persuaded they will most likely hide such persuasion for fear of appearing weak and losing credibility (Dryzek 2005, 229). This is not the method of deliberation that should be used when working with wicked problems. Nor is the other end of the spectrum where deliberation is *cold*. A *cold* deliberation setting would involve participants who have no stake in the outcome, but have some knowledge of the policy problem (Fung 2003, 349). Deliberation would take place in an informal setting, and the result would be purely advisory. By choosing participants who have nothing at stake in the outcome it is likely that a change in mind will occur, as they have nothing to lose as a result. (Dryzek 2005, 229). This is not ideal to work with wicked problems, because as explained in the second chapter, it is important to have those stakeholders who are actually affected by the outcome involved in the deliberation to promote the legitimacy of the process.

Deliberation can change the views of participants when the process and location find some middle ground in between the hot and cold spectrum. An ideal model would inform the participants that deliberation is not a one off forum, rather, it is a process that works over time with the issue being revisited regular to allow participants time to think over previous points, and dwell on issues that might not have previously been considered (Dryzek 2005, 229). Dryzek argues a similar point:

> With time, degree of activation of concern on particular issues can change. Individuals can shift from partisanship to moderation to apathy and vice versa, and may even come to adopt different attitudes… [D]eliberation induced reflection can eventually lead an individual to change his or her mind. But he or she can most easily admit that in a different setting, at another time and place, with different participants, where face and credibility associated with having staked out a position are no longer decisive (Dryzek 2005, 229).

It is also important that deliberation should occur in an informal setting, with as little interference from sovereign authority as possible (in fact the sovereign's role should be to facilitate and mediate the discussion). This is to further instill the point that the end result of the deliberation is the product of the people themselves, not the sovereign (of course, if the sovereign is a party to the issue then participation will be more than welcome). Any deliberation that is tied to sovereign authority may make participants more suspicious of the process, making them more hesitant to persuasion (Dryzek 2005, 230).

Should these conditions be met than the likelihood that participants will feel more open and relaxed to the deliberation process will increase, allowing them to be potentially be persuaded by an argument that they may not have previously considered. This is important when working with wicked problems, as it builds consensus and a better sense of community among participants. It is also more likely to promote a sense of reciprocity among the participants, promoting better understanding and engagement with the issue.

Conclusion

The typical positivist approach of the policy analyst now appears to be too inflexible and lacks adaption to adequately work with wicked policy issues

alone. It is not a proposition that positivist practices be ruled out completely; they do still have a role within policy analysis relating to wicked problems. Rather, the policy analysts cannot do this alone. Wicked problems are too complex and uncertainty to be tackled by a single policy development entity. There needs to be a move toward community consultation in the form of deliberative practices to work with the policy analyst and positivist methods.

Deliberative practices could promote better outcomes, both substantively and procedurally, when working with wicked problems. Procedurally, the benefits of deliberative democracy are quite persuasive. Rather than a single policy development entity working on the policy alone, deliberative practices will promote a policy procedure that encourages wide participation from those who have an interest in the outcome. This builds a strong sense of legitimacy and community in any decision that is reached as a result of the deliberation between parties. Legitimacy is important to any policy direction, as if the decision that is reached is ultimately the wrong one, there can be no outcry from the public claiming that it was not what they wanted in the first place.

Substantively, deliberate practices have the ability to change the minds of participants given the correct location and form of deliberations. Through the justifications for arguments given in the deliberative arena, participants will expand their knowledge of the issue beyond their own interests and values. Consensus (and legitimacy in the decision) will be more readily reached as a result, meaning that it is likely that the outcome will be the correct one as a result of fierce deliberation and consensus between citizens. Even if the

outcome proves to be the incorrect path forward, it will remain legitimate as all those affected had the opportunity to participate, and there was a consensus reached that it is the correct path forward.

Deliberative democracy does not take away the complexity and uncertainty of wicked problems, but through the legitimacy, community, and engagement that it promotes, it certainly makes these elements appear much more bearable.

Conclusion

Summary of Arguments

This discussion has put forward the case for using deliberative practices in combination with existing practices of policy development to potentially create better outcomes when working with wicked policy problems. To properly explore the case for deliberative practices the discussion was divided into three chapters. The first chapter explored the idea of a wicked policy problem, the second discussed a theoretical grounding of deliberative democracy, and the third applied deliberation to wicked problems to highlight the benefits of using deliberative practices.

It was noted in the first chapter that Head states a tame policy issue will turn into a wicked problem when there a high levels of uncertainty, value divergence, and complexity (Head 2008. 103). To further explore this idea each element (uncertainty, value divergence, and complexity), was discussed individually to properly show when each element reaches a *high* level.

The challenge that climate change presents highlights how a policy issue can reach high levels of uncertainty. The lack of consensus and certainty among scientific experts on future projections of the effects of climate change have spilled over in the wider community creating further social and economic uncertainty. As a result, nations are hesitant to lock into any international agreement, as they cannot guarantee they can abide by it due to their

economic growth, and citizens have turned to the political parties whom they have typically voted with for guidance.

When dealing with value divergence it is important to remember that this does not refer to a disagreement between stakeholders in an issue, but a more deep-seated moral conflict between two or more values. With this in mind the wicked policy issue of illicit drug use highlights when value divergence reaches high levels. There is a clear moral conflict between those who argue that the use of illicit drugs is immoral and wrong, and should thus be outlawed completely, and those who believe that a harm minimisation model should be created with the use of illicit drugs decriminalised.

Indigenous disadvantage has been a policy issue that has been present for a long period of time but never been resolved. This can be attributed to the sheer complexity of the issue itself. Complexity often arises because of the breadth of the problem. For example, Indigenous disadvantage involves issues of employment, health, remote communities, and a history of poor treatment. Such complexity requires an integrated multi-dimensional approach rather than approached by a single government department. For these reasons, the policy issue of indigenous disadvantage represents how policy issues reach high levels of complexity.

The presence of uncertainty, value divergence, or complexity can cause problems when developing policy, but when all three are present the difficulty of developing successful policy substantially rises. This is why the problem

enters the realm of wickedness. It is important to remember that the elements do not work separate of each other. It is not uncommon to have issues of complexity involve uncertainty and vice versa. Each of the contemporary examples of policy issues that were given above can be considered wicked problems in their own right. But by highlighting one core element of the problem itself a clearer position of that element is given to illustrate the true nature of a wicked problem.

Before putting forward the case for using deliberative practices when working with wicked problems it is important to discuss and explore deliberative democracy. The second chapter outlined a theoretical grounding of deliberative democracy, highlighting the principles of legitimacy, difference, and engagement. These three principles are important in explaining why deliberative democracy can be an effective theory when working towards mutual respect between citizens, better understanding of issues, and effective policy responses.

Traditional claims of legitimacy within deliberative democracy stem from the argument that a decision can only be considered legitimate when everyone who wants to deliberate on the issue has been given the opportunity to (Cohen 1989, 18). However, the tension between achieving true deliberation and an all-inclusive process can make this a difficult aim to achieve. That is, when the numbers of participants begin to rise, the process shifts from deliberation to a forum of speech making (Parkinson 2003, 118). To counter-act this, deliberation can be limited to certain times (such as dealing with complex

issues), and by limiting the participants to those who are affected by the issue. It also needs to be remembered that legitimacy does not only come from a headcount of numbers, but also from procedural reciprocity. Procedural reciprocity requires that if a decision is reached that not all participants can agree to, none can deny the legitimacy of the process through which the decision was reached (Gutmann et al. 2004, 103).

Difference in deliberative democracy is an important principle, as deliberation can provide an opportunity for those who have typically been alienated from the political process to participate in deliberation. To achieve this, Young argues that a more egalitarian form of communication needs to be used (Young 1996, 128). Rather than typical deliberation that is seen in boardrooms and parliaments, Young suggests that forms of communication such as greeting, story telling, and rhetoric be used. Deliberation can be intimidating form of communication, however, if Young's suggestion is taken into account then those who may not be adept at deliberation are still given the opportunity to.

Finally, to achieve real engagement within deliberations the principles of substantive reciprocity need to be recognised. This involves not only respecting the person who made the argument, but also the argument itself (Gutmann et al. 2004, 144). The argument cannot be dismissed simply because one does not believe, it needs to be accepted and dwelled on. If participant are to participate effectively in deliberation, and for deliberation to

reach its aims, then substantive reciprocity needs to be recognised and followed.

The third, and final, chapter of the discussion applied the benefits that can be attained from deliberation to working with wicked problems. The benefits that can spring from using deliberation include greater legitimacy in decisions that stem from public consultation; the ability of deliberation to bridge together divided parties, and the fact that deliberation can change minds. It is important to note that at no point is deliberation advanced to replace our current system of policy development, but rather to work with it in the case of wicked problems.

The typical policy process has relied on empiricism, that is, the belief that any field of knowledge can be broken down by statistical analysis, then generalisations can be drawn from the analysis of such statistics (Fischer 2003, 212). In conjunction with this, government departments have been structured quite vertically, that is, information is shared within departments and hardly horizontally across departments. Many wicked problems are also whole of government problems, and by applying deliberative practices to such problems there will be greater legitimacy for that decision as all who wish to have their say have had the opportunity to do so.

Deliberation can also bridge together divided parties. As explored earlier in the discussion, value divergence does not refer to a disagreement between two or more stakeholders to an issue, but to a deep seeded moral disagreement

between two or more values. This section of the chapter explored how deliberative practices can be applied to possibly bridge the divergence between the contrasting values involved with illicit drug use. By reframing the deliberation in terms of broader needs, rather than specific values, the issue appears less intractable and progress can be made.

Finally, deliberation in the right environment can change minds. In order to further promote the legitimacy of the decision made as a result of the deliberative process, deliberation needs to have the capacity to potentially change the minds of participants. This section of the chapter distinguished between *hot* and *cold* deliberation. Either end of the *hot* or *cold* spectrum is not an appropriate environment for deliberation, but rather there needs to be ground found in the middle where participants who are affected by the decision are involved, deliberation is not a one off occurrence (which allows for participants to dwell on various arguments made), and deliberation is not tied to any sovereign authority as there can be a mistrust of government powers.

Why is this Important?

The wicked problems that Australia face today have created a division and polarisation of issues, the like of which has rarely been experienced on such a large scale. There seems to be a lack of engagement between those who have opposing views and values, with each party preferring to stand stalwart with fellow citizens who share their own views, simply becoming more entrenched

within them. This is evidenced by the recent protests in March of this year against the Gillard government outside Parliament House in Canberra over the introduction of the carbon tax. The protest, whilst relatively peaceful, consisted of aggrieved citizens holding signs that were distasteful and vindictive slurs against our Prime Minister (Wright 2011). There seems little value in holding signs that state "JuLIAR…Bob Brown's Bitch" and "Ditch the Witch" (Wright 2011). The fact that citizens feel this is a better way to promote their cause (through vindictive signs), than to engage with citizens who agree with the carbon tax is a discouraging sign of Australian politics.

However, the protests did not end in March. During October of this year the Gillard government passed the carbon tax through the House of Representatives (Johnston 2011). This was not done easily, as protestors in the public viewing gallery constantly marred the session of parliament. The protestors screamed personal insults onto the Prime Minister, and chanted statements such as "Democracy is Dead" during question time over the legislation (Johnston 2011). Again, this is a discouraging sign for Australian politics. One could argue that "Democracy is Dead" when protestors feel the need to resort to such distasteful disruptions of parliament. It seems that a more productive and constructive way to spend one's time would be to research why the measure has been introduced and engage with other people over the topic, rather than hurl insults at our Prime Minister.

Also, the polarisation of issues has been a worrying trend within Australian media and politics. In recent years the media have simplistically framed issues

in terms of for and against, "Are you for or against this issue?" This simplification has been applied to issues regarding asylum seekers and the carbon tax. However, these are not issues where one can simply state if they are for or against, without giving any reasoning. The issues are not so one dimensional as this, and encompass many other variables. As a result, this has created mere skin-deep analysis of the issues, and further polarised parties to the problem.

The typical empirical policy process that has been used is no longer flexible enough to work alone with wicked problems. Wicked problems are far too complex and uncertain to be able to be broken down by numbers. Rather, by actively encouraging citizens to deliberate with each other over issues they feel so strongly about, vindictive protests, such as those discussed above, may no longer occur. Citizens will be forced to reason with each other in an environment where they are actively encouraged to dwell on issues and think outside the box. By dwelling on points that they may not have previously considered, participants may realise that the issue is not as one-dimensional as they previously thought it was, and as a result, one may even change their mind over how they view the problem. The mutual respect that deliberation encourages can create a stronger sense of community between participants and strengthen the legitimacy of the decision itself.

This is not a proposal for the replacement of the current methods of policy analysis with deliberative democracy, but rather that deliberative democracy be used with to allow for a more flexible and adaptive approach when

working with wicked problems. The case for the use of deliberative practices when working with wicked problems is strong; there can be greater legitimacy as a result of public consultation, it can have the ability to bridge together typically divided parties, and may even lead participants to change their minds over how they frame the issue. It also appears far more productive to have contrasting viewpoints deliberate together over an issue, than simply protesting with vindictive picket signs.

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